

REMARKS

The Present Invention and the Pending Claims

The present invention relates to a light-receiving element comprising a GaN group semiconductor material. Claims 2-7 are currently pending.

The Amendments to the Claims

The claims have been amended to more particularly point out and distinctly claim the present invention. In addition to the amendments made in the "Response to Office Action" dated April 11, 2003, claim 2 has been amended to make it more clear that light enters the depletion layer from the side the electrode is formed. This amendment is supported by the specification at, for example, page 8, lines 31-34. No new matter has been added by way of these amendments.

Discussion of the Previous Obviousness Rejection of Claims 2-7

Claims 2-7 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of Khan et al. (U.S. Patent No. 4,614,961) in combination with Nozaki (JP Patent No. 61-008979). The Office Action takes the position that the current claim language does not serve to distinguish between the disclosure of Khan et al. and the present invention, because the pending claims, as currently written, do not require that the light enters the surface side of the light receiving element. Claim 2 previously recited that the light receiving element is a Schottky barrier type light receiving element in which light enters the depletion layer. However, in order to advance prosecution and not in acquiescence of the rejection, claim 2 has been amended to make this feature more clear.

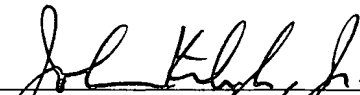
Nozaki et al. does not satisfy the deficiencies of Khan et al. Therefore, even if the disclosures of Khan et al. and Nozaki et al. were combined (which, Applicants urge, one of ordinary skill in the art would not be motivated to do), the obtained device would not result in the present invention. Neither reference, either alone or in combination, teaches or suggests the structure of the light-receiving element of the present invention, in which the light to be detected enters the depletion layer from the side the electrode is formed (i.e., the element *surface* side) (see Figure 4(a) of the specification). In the absence of a teaching or suggestion of all the elements of the present invention, the cited references cannot be said to render the present invention obvious.

In re Appln. of Tadatomo et al.
Application No. 09/787,502

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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